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| 8 | UNITED STATES DISTRICT COURT | | | | | |
| 9 | CENTRAL DISTRICT OF CALIFORNIA | | | | | |
| 10 | CLIVITAL DISTRICT OF CALIFORNIA | | | | | |
| 11 | UNITED STATES OF | | |) Case No. SA 12-451M | | |
| 12 | AMERICA, Plaintiff, | | | ORDER OF DETENTION | | |
| 13 | | VS. | amum, | CREEK OF BETENTION | | |
| 14 | EDGAR MARTINEZ OVALLE, | | | | | |
| 15 | 22 01 11 1 | | , | } | | |
| 16 | | De | efendant. | } | | |
| 17 18 | | | | Ť | | |
| 19 | Α. | () On 1 | motion of the | Covernment in a case allocadly in | volvino. | |
| 20 | A. | | a crime of v | Government in a case allegedly invited and a case alleged and | vorving: | |
| 21 | | 1. () 2. () | | with maximum sentence of life impr | isonment or | |
| 22 | | death. | un offense v | with maximum sentence of me impr | isomment of | |
| 23 | | 3. () | a narcotics | or controlled substance offense wit | h maximum | |
| 24 | | ` ' | f ten or more | | | |
| 25 | | 4. () | | where defendant convicted of t | wo or more | |
| 26 | prior offenses described above. | | | | | |
| 27 | | 5. () | any felony | that is not otherwise a crime of v | violence that | |
| 28 | involves a minor victim, or possession or use of a firearm or destructive | | | | | |
| | | | | 1 | | |
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| 1 | device or any other dangerous weapon, or a failure to register under 18 | | | | | |
|----|--|--|--|--|--|--|
| 2 | U.S.C. § 2250. | | | | | |
| 3 | B. (X) On motion by the Government/() on Court's own motion, in a | | | | | |
| 4 | case allegedly involving: | | | | | |
| 5 | 1. (x) a serious risk that the defendant will flee. | | | | | |
| 6 | 2. () a serious risk that the defendant will: | | | | | |
| 7 | a. () obstruct or attempt to obstruct justice. | | | | | |
| 8 | b. () threaten, injure or intimidate a prospective witness or | | | | | |
| 9 | juror, or attempt to do so. | | | | | |
| 0 | C. The Government () is/(x) is not entitled to a rebuttable presumption that | | | | | |
| 1 | no condition or combination of conditions will reasonably assure the | | | | | |
| 12 | defendant's appearance as required and the safety or any person or the | | | | | |
| 13 | community. | | | | | |
| 14 | | | | | | |
| 15 | II | | | | | |
| 16 | A. () The Court finds that no condition or combination of conditions | | | | | |
| 17 | will reasonably assure: | | | | | |
| 18 | 1. (X) the appearance of the defendant as required. | | | | | |
| 19 | () and/or | | | | | |
| 20 | 2. () the safety of any person or the community. | | | | | |
| 21 | B. () The Court finds that the defendant has not rebutted by sufficient | | | | | |
| 22 | evidence to the contrary the presumption provided by statute. | | | | | |
| 23 | | | | | | |
| 24 | III | | | | | |
| 25 | The Court has considered: | | | | | |
| 26 | A. the nature and circumstances of the offense(s) charged, including | | | | | |
| 27 | whether the offense is a crime of violence, a Federal crime of terrorism, or | | | | | |
| 28 | involves a minor victim or a controlled substance, firearm, explosive, or | | | | | |
| | _ | | | | | |

destructive device; 1 2 В. the weight of evidence against the defendant; C. 3 the history and characteristics of the defendant; and D. the nature and seriousness of the danger to any person or the community. 4 5 IV 6 7 The Court also has considered all the evidence adduced at the hearing and the 8 statements of counsel, Pretrial Services and/or and the arguments 9 Report/recommendation. 10 V 11 12 The Court bases the foregoing finding(s) on the following: 13 A. (X) As to flight risk: 14 Defendant is undocumented. He has no ties to the community and no bail resources. 15 () As to danger: 16 В. 17 VI 18 () The Court finds that a serious risk exists the defendant will: 19 A. 20 1. () obstruct or attempt to obstruct justice. () 21 2. attempt to/() threaten, injure or intimidate a witness or juror. 22 23 B. The Court bases the foregoing finding(s) on the following: 24 VI 25 IT IS THEREFORE ORDERED that the defendant be detained prior to 26 A. trial. 27 В. 28 IT IS FURTHER ORDERED that the defendant be committed to the 3

custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

- C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity for private consultation with counsel.
- D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility in which defendant is confined deliver the defendant to a United States marshal for the purpose of an appearance in connection with a court proceeding.

DATED: September 19, 2012

MARC L. GOLDMAN
MARC L. GOLDMAN
UNITED STATES MAGISTRATE JUDGE